

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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James A. Anderson,

Court File No.: 06-CV-5028 (PJS/JJG)

Plaintiff,

vs.

John S. Spreiter, Mary E. Spreiter,  
Home State Bank, a Minnesota corporation,  
CJB, LLC, a Minnesota limited liability  
company,  
Banken Real Estate Investments, LLC,  
a Minnesota Limited liability company,  
and Chad Banken,

**DEFENDANT JOHN S. SPREITER,  
MARY E. SPREITER AND HOME  
STATE BANK'S MOTION FOR  
SUMMARY JUDGMENT**

Defendants.

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TO: PLAINTIFF AND HIS ATTORNEY MICHAEL T. KALLAS, 4930 WEST 77<sup>TH</sup>  
STREET, SUITE 210, EDINA MN 55435

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure  
12(b)(1) and 12(b)(6) and Rule 7.1(b) of the Local Rules of the United States District  
Court for the District of Minnesota, Defendants John S. Spreiter, Mary E. Spreiter, and  
Home State Bank, a Minnesota corporation, through their undersigned counsel, will move  
the above Court for an Order granting Defendants' Motion for Summary Judgment.

This Motion is based upon the entire record, file and proceedings herein, including  
the Memorandum of law submitted with this Motion and the Declaration of Barton C.  
Gernander with attached exhibits.

**HELLMUTH & JOHNSON, PLLC**

Dated: January 10, 2008

s/ Barton C. Gernander

Chad A. Johnson (ID #225149)

Barton C. Gernander (ID #26779X)

Attorneys for Defendants John S. Spreiter,

Mary E. Spreiter, and Home State Bank

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